

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

Vagish, LLC, doing business as Cambridge  
Plaza Hotel, and Va Va Vagish, LLC, doing  
business as Legends Lounge,

Plaintiffs,

vs.

Seneca Specialty Insurance Company,

Defendant.

C/A No.: 3:13-cv-03161-TLW

**PLAINTIFFS' MOTION TO STRIKE**

Plaintiffs Vagish, LLC, doing business as Cambridge Plaza Hotel, and Va Va Vagish, LLC, doing business as Legends Lounge (collectively, "Vagish") respectfully move the Court, pursuant to the precedent of Rabon v. Great Southwest Fire Insurance, Co., 818 F.2d 306 (1987), to strike from Defendant Seneca Specialty Insurance Company's (Seneca's) motion for partial summary judgment, memorandum in support, and all accompanying exhibits (Dkt. No. 101) all mention of any arson investigation by the South Carolina Law Enforcement Division (SLED). Vagish also requests that that the stricken portions of the record be excluded from this Court's consideration of Seneca's motion for partial summary judgment and the trial of this matter.

Alternatively, if the Court declines to grant the aforementioned relief, it should strike and exclude any mention of a polygraph conducted by SLED, pursuant to the precedent of United States v. Prince-Oyibo, 320 F.3d 494, 501 (4th Cir. 2003).

The grounds for granting this motion are set forth in Vagish's contemporaneously filed memorandum in opposition to Seneca's motion for partial summary judgment. See Dkt. No. 104 at § II.A.4

[signature page follows]

Respectfully submitted by,

s/Richard A. Harpootlian

Richard A. Harpootlian (Fed. ID No. 1730)

rah@harpootlianlaw.com

Christopher P. Kenney (Fed. ID No. 10147)

cpk@harpootlianlaw.com

RICHARD A. HARPOOTLIAN, P.A.

1410 Laurel Street (29201)

Post Office Box 1090

Columbia, South Carolina 29202

(803) 252-4848

Facsimile (803) 252-4810

Leigh J. Leventis (Fed. ID No. 2661)

leighleventis@aol.com

THE LAW OFFICES OF LEIGH J. LEVENTIS

1913 Bull Street (29201)

Post Office Box 11067

Columbia, South Carolina 29211

(803) 256-0113

Facsimile (803) 799-1612

James M. Griffin (Fed. ID No. 1053)

Griffin | Davis

1116 Blanding Street

P.O. Box 999 (29202)

Columbia, South Carolina 29201

Telephone: (803) 744-0800

jgriffin@griffindavislaw.com

ATTORNEYS FOR PLAINTIFFS

February 23, 2016

Columbia, South Carolina.